

Minutes

Board of County Commissioners Hyde County

June 1, 2009

Chairman Tom Davis called the Regular meeting of the Hyde County Board of Commissioners to order at 7:00 PM on Monday, June 1, 2009 in the Hyde County Government Center, Multi-Use Room, and the Ocracoke School Commons Area using electronic conferencing equipment. The following members were present on the mainland: Commissioners Anson Byrd, Tom Davis, Sharon Spencer, and Barry Swindell; County Manager Carl Classen; County Attorney Sid Hassell; Clerk to the Board Lois Stotesberry; and members of the public. The following members were present on Ocracoke: Commissioner Gene Ballance, Deputy Clerk Jamie Tunnell; and members of the public.

Following the pledge of allegiance and opening prayer by Commissioner Swindell the meeting was called to order.

Agenda:

Chairman Davis asked for any changes to the May 4, 2009 meeting Agenda as presented by the Clerk. Commissioner Spencer moved to add Item III.B. – Resolution Commending Lora Byrd for 32 Years-of-Service; Item V. B. – Vacancies – EMS; and Item V. D. – Ocracoke Fire Department – Support Building Grants. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Consideration of Minutes:

Chairman Davis asked for approval of meeting minutes.

Commissioner Swindell moved to approve the May 4, 2009 meeting minutes with addition of line 9 on page 6 stating that Chairman Davis was excused and left the meeting. Mr. Ballance seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Public Comments:

Chairman Davis called for comments from the public.

Lou Armstrong, Ponzer, stated that Ponzer community is a part of Hyde County and should not be overlooked. Ms. Armstrong expressed her gratitude to Mr. David Warren, Emergency Services Director, and Mr. Tony Spencer, former Fire Marshal, for their help with construction of the Ponzer Volunteer Fire & Rescue Department. Ms. Armstrong also reported that EMS services provided by Belhaven are scheduled to end effective July 1, 2009.

County Manager Carl Classen reported that effective July 1, 2009 White Oak Transport Company will provide EMS services for the Town of Belhaven and the surrounding unincorporated area of Beaufort County. The new centrally located Mattamuskeet EMS Station will serve all of mainland Hyde County and will provide paramedic level of care effective July 1, 2009.

David Fletcher, Lake Landing, stated that Dr. Boyette reportedly said to a Hyde County EMT that the County plans to hire 27 to 29 new EMT's in the coming year. Mr. Fletcher asked if the County would receive any Stimulus money this coming year.

Franklin Swindell, Engelhard, reiterated David Fletcher's comments. Mr. Swindell stated he served his Country and believes citizens deserve answers to questions asked. Mr. Swindell reported seeing corrosion, and algae and cigarette butts on the grounds at the Government Center.

Vickie Armstrong, Ponzer, expressed support for Emergency Services Director David Warren and thanked Mr. Warren for helping the Ponzer community.

Ann Ehringhaus, Ocracoke, stated Ocracoke citizens are having trouble with noise from a new restaurant/bar on the island. Ms. Ehringhaus asked for the County's help with this issue.

Marlene Matthews, Ocracoke, reported that she has called the law the past two nights for assistance with no reduction in noise.

Linda Scarborough, Ocracoke, stated Pay-As-You-Throw was poorly implemented and is not being enforced.

There being no further public comment, Chairman Davis continued the meeting.

Public Hearing – FY2009-10 Budget Ordinance - BHM Library – Funding:

Commissioner Swindell moved to open a Public Hearing to receive public comments on the FY2009-10 Budget Ordinance. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

BHM (Beaufort/Hyde/Martin) Regional Library Director M. J. Carbo's requested \$2,000 additional funding from Hyde County in the FY2009-10 budget for a total of \$40,000.

Laurie Hodges, BHM Regional Library Board Member, reported that State aid to public libraries has been cut and without additional funding new books will not be purchased in FY2009-10.

Commissioner Spencer reported that children who attend her church preschool benefit from the BHM Regional Library Book Mobile.

Leslie Lanier, Ocracoke, member of "Friends of the Library" recommends approval of \$2,000 additional funding for the Library.

Hearing no further comments from the public, Commissioner Swindell moved to close the Public Hearings. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Budget Workshop – Meeting Schedule

Due to the noise level created by staff cleaning the Commons Area of Ocracoke School at 3:30 PM when the Special Board of Commissioners meeting had been originally scheduled, County Manager Carl Classen recommended holding the Special meeting on Tuesday, June 9, 2009, at 5:30 PM.

Hearing no objection, Chairman Davis stated the June 9 special meeting would begin at 5:30 PM.

Ordinances and Resolutions:

'An Ordinance Adopting "Code of Hyde County, North Carolina"'

After discussion, Commissioner Byrd moved to approve 'An Ordinance Adopting "Code of Hyde County, North Carolina."' Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of 'An Ordinance Adopting "Code of Hyde County, North Carolina"' is attached herewith as Exhibit A and incorporated herein by reference.

Commissioner Byrd also recommended placing an additional copy in Mattamuskeet and Ocracoke School Libraries, along with the Manager's Office that can be checked out or purchased by citizens.

Resolution Commending Lora Byrd

After reading "Resolution Extending Thanks to Lora Byrd, Register of Deeds, for 32 Years of Service" and a thank you note from Ms. Byrd, Chairman Davis moved to adopt "Resolution Extending Thanks to Lora Byrd, Register of Deeds, for 32 Years of Service" and to send Ms.

Byrd a certified copy of the Resolution. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Resolution Extending Thanks to Lora Byrd, Register of Deeds, for 32 Years of Service" is attached herewith as Exhibit B and incorporated herein by reference.

Other Matters:

Budget Revisions and Transfers

County Manager Carl Classen reported to the Board that in accordance with the FY2007-08 Budget Ordinance several budget transfers were made administratively and he requested approval of the following:

A. Budget Amendment – Administration – Airport

County Manager Carl Classen has requested transfer of \$6,684.20 increasing the budget. Repair to the Engelhard Airport due to a lightening strike. Money to repair was from the insurance not budgeted for.

Commissioner Swindell moved to authorize the Administrative budget transfer of \$6,684.20. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

B. Budget Amendment – Administration – Finance

County Manager Carl Classen has requested transfer of \$37,557.31 increasing the budget. Reimbursable cost with grants technician position. All money has been deposited and position is fully funded.

Commissioner Swindell moved to authorize the Administrative budget transfer of \$37,557.31. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

C. Budget Amendment – Department of Social Services (DSS)

DSS Director Gloria Spencer has requested transfer of \$19,213 increasing the budget and affects salary line items. Increase in funds from the State for workers salaries.

Commissioner Swindell moved to authorize the DSS budget transfer of \$19,213. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

D. Budget Amendment – Emergency Services

Emergency Services Director David Warren has requested transfer of \$8,600 not increasing the budget but over \$5,000. Money moved to cover the additional FICA tax not budgeted for.

Commissioner Swindell moved to authorize the Emergency Services budget transfer of \$8,600. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

E. Budget Amendment – Sheriff's Department

Sheriff David Mason has requested transfer of \$4,500 not increasing the budget but affects salary line item. Transfer money to compensate for unexpected overtime.

Commissioner Swindell moved to authorize the Sheriff's Department budget transfer of \$4,500. Mr. Byrd seconded the motion. The motion passed on the following vote: Ayes –

Ballance, Byrd, Spencer, Swindell, and Chairman Davis; Nays – None; Absent or Not Voting – None.

Vacancies – Emergency Medical Services

After discussion, Chairman Davis moved to authorize advertising three (3) full time EMT-Intermediate vacancies. Commissioner Ballance seconded the motion. The motion failed on the following vote: Ayes – Ballance, and Chairman Davis; Nays – Byrd, Spencer, and Swindell; Absent or Not Voting – None.

Surplus Property Disposition

Accounting Clerk Andrea Gregory reported that the Finance Office has coordinated among the various departments a listing of surplus property for approval by the Board for listing on GovDeals Surplus Property website.

The list of surplus property has been provided to all County departments and department heads have first priority to select any items from the list.

At the June 15 meeting, the remaining items will be recommended for electronic auction in accordance with G.S. 160A-280.

Ocracoke Volunteer Fire Department – Letter of Support

After discussion, Commissioner Ballance moved to authorize Chairman Davis to send a letter of support of the Ocracoke Fire Department's efforts to construct a new fire station, as well as to continue to provide fire protection to Ocracoke. Commissioner Byrd seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

County Commissioners Reports:

Commissioner Ballance reported that he is concerned about the noise complaints and PAYT issue on Ocracoke.

Commissioner Byrd met with PCS Phosphate.

Commissioner Spencer also met with PCS Phosphate representatives and believes they opened dialog with them.

Commissioner Swindell reported the Central Communications Advisory Group met and is trying to decide what the best option is for Hyde County Dispatch.

Hyde County Manager Carl Classen is working with him preparing a list of options.

Commissioner Swindell also reported that he and Roscoe Modlin had donated time and materials for repairs made at the Engelhard Recreation Park. Mr. Swindell asked the Board to consider funding in the FY2009-10 Budget for routine maintenance and repairs at the Park. Mr. Swindell will present a hybrid plan for solid waste at the June 15 Commissioners meeting.

Commissioner Spencer reported that the Dental Van has not visited Hyde County Schools since 2005. Health Director Wesley Smith contacted the Dare County Health Director who will arrange for the Dental Van to visit all Hyde County schools during the next school year.

No other Board or Committee reports were offered so Chairman Davis continued with the Agenda.

County Manager's Report:

Mattamuskeet Opportunities ADAP Center

County Manager Carl Classen reported that as a result of the Department of Health and Human Services (DHHS) assuming responsibility for the operation of the Albemarle Mental Health Center (AMHC) and Developmental Disabilities (DD) and Substance Abuse Services (SAS), progress toward stabilization of operations has been made. However, in order to assure long term viability of services to persons with mental health, substance abuse, and developmental disabilities issues in the 10-counties comprising the Albemarle catchment area DMH/DD/SAS will be entering into a management contract with East Carolina Behavioral Health (ECBH) for the performance of Local Management Entity (LME) management functions in the ten counties, effective July 1, 2009.

As such, Mr. Classen reported that the County's proposed assumption of Mattamuskeet Opportunities ADAP Center has been put on hold.

Commissioner Byrd moved to authorize the County Manager to invite North Carolina Department of Health and Human Services, Division of Mental Health, Developmental Disabilities and Substance Abuse Services Director Leza Wainwright to meet with the Albemarle Mental Health Board and to attend the June 15 Hyde County Board of Commissioners meeting to discuss possible options for management of Mattamuskeet Opportunities ADAP Center. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

Public Safety Center

County Manager Carl Classen reported that the Sheriff's Department, staff has moved back into the Public Safety Building. Mr. Classen thanked Roscoe Modlin of Modlin Electric, Rose Bay, for quickly assisting with things not done by the original vendor. Mike Ahearn of Pungo Machine Shop, Pantego, has been contracted to build stairs at the back of the Public Safety Center to provide access to HVAC equipment on the roof. Alonzo Roberson of Roberson's Heating and Air will provide HVAC maintenance for the Public Safety Building and the Government Center.

Mr. Classen reported that he will again pursue utilization of the Public Safety Center.

Project Reports

County Manager Carl Classen reported the Mattamuskeet EMS Building Project completion is scheduled for the week of June 22; the County Building on Ocracoke Re-siding Project is near completion; Swan Quarter Dike Phase XII contract was issued on Friday; Swan Dike Phase XIII project is progressing well; Engelhard Airport Fencing & Wind Cone Project is scheduled for completion the week of June 30; Ocracoke Airport Board Chairman Earl O'Neal has resigned and new Chairman George Chamberlin will give report on June 15; a \$3,000,000 Stimulus funding application through Division of Environment and Natural Resources (DENR) for Mattamuskeet Sewer Project to include Mattamuskeet School will be submitted this week; State management of Child Support Services is possibly being turned over to counties; the Board of Health will be asked to recommend a resolution based on the NC Legislature "No Smoking Bill" that becomes effective January 1, 2010 for consideration by the Board; and the Mainland Occupancy Tax Board will make recommendations for a mainland tourism website, Chamber funding for tourism brochures, etc.

Mr. Classen also gave an overview of the June 2nd FY2009-10 Budget Workshop. He summarized the three options available for Solid Waste Collection.

County Attorney Sid Hassell asked that a Resolution to Sign Tideland EMC Right-of-Way Easement for Mattamuskeet EMS Station be adopted.

Commissioner Byrd moved to adopt a "Resolution to Sign Tideland EMC Right-of-Way Easement for Mattamuskeet EMS Station" and to authorize the Chairman to sign. Ms. Spencer seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd,

Spencer, Swindell and Chairman Davis; Nays – None; Absent or Not Voting – None.

CLERK'S NOTE: A copy of "Resolution to Sign Tideland EMC Right-of-Way Easement for Mattamuskeet EMS Station" is attached herewith as Exhibit C and incorporated herein by reference.

Commissioner Ballance discussed PAYT options and will approve the most cost efficient service to dispose of trash.

Commissioner Ballance reported that the Ocracoke Civic & Business Association has put together an Ocracoke Noise Ordinance Committee seeking to provide citizens seeking relief from noise disturbance. He also noted that citizens should report noise violations to the magistrate.

There being no further matters to come before the Commissioners, Mr. Byrd moved to adjourn the meeting. Mr. Swindell seconded the motion. The motion passed on the following vote: Ayes – Ballance, Byrd, Davis, Spencer, and Swindell; Nays – None; Absent or Not Voting – None.

The meeting adjourned at 9:45 PM.

Respectfully submitted:

Minutes approved on the 15th day of June, 2009.

Lois Stotesberry, Clerk - Hyde County Board of Commissioners

Tom Davis, Chairman - Hyde County Board of Commissioners

Attachments:

Exhibit A – 'An Ordinance Adopting "Code of Hyde County, North Carolina"'

Exhibit B – "Resolution Extending Thanks to Lora Byrd, Register of Deeds, for 32 Years of Service"

Exhibit C – "Resolution to Sign Tideland EMC Right-of-Way Easement for Mattamuskeet EMS Station"